



**STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL**

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September 6, 2019

Hon. Thomas J. McAvoy  
Senior U.S. District Court Judge  
U.S. District Court  
Northern District of New York

Re: *Lovell v. Annucci, et al.*, USDC-NDNY No. 9:18-CV-685 (TJM/CFH)

Dear Judge McAvoy:

Defendants Brian F. McAuliffe, Thomas McCabe, and Lynn Furnace are the defendants in the above-entitled action, and on their behalf, I respectfully request an opportunity to address their qualified immunity defense in a second motion for summary judgment.

If the Court is willing to allow the defendants to address this defense in a second summary judgment motion, I can do so within 14 days.

Thank you for your consideration of this matter.

Respectfully yours,  
*s/ Michael McCartin*  
Michael McCartin  
Assistant Attorney General

cc: Gilford Lovell  
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